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Attorney for Debtor

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

| | | |
|-------------|---|-------------------------------|
| In Re: |) | BK-S-19-16636-MKN |
| |) | Chapter 11 |
| CENSO, LLC. |) | |
| |) | |
| |) | HEARING DATE: January 8, 2020 |
| Debtor. |) | HEARING TIME: 9:30 AM |

**APPLICATION TO EMPLOY ATTORNEY UNDER GENERAL
RETAINER SEEKING NUNC PRO TUNC APPROVAL TO DATE OF FILING**

TO: THE HONORABLE BANKRUPTCY JUDGE, U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA:

Undersigned counsel is seeking Nunc Pro Tunc approval to the date of filing as there has been a lot of time spent in the first month of case. Declaration filed notes tasks and communication with parties. See Exhibit "1" - Declaration Under Penalty of Perjury of Corey B. Beck, Esq., in Support of Application to Employ Corey B. Beck, Esq., as Attorney Under General Retainer Seeking Nunc Pro Tunc Approval to Date of Filing.

The Debtors in the above-captioned bankruptcy proceeding, hereby applies to the Court for an Order approving its Application to Employ Attorney Under General Retainer. This Application is brought pursuant to 11 U.S.C. Section 327, Bankruptcy Rule 2014 and Section 2 of the Guidelines of the U. S. Department of Justice, Office of the United States Trustee - Northern and Eastern Districts of California and Nevada, hereinafter referred to as "Guidelines".

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I.

BANKRUPTCY RULE 2002(k) - COMPLIANCE

Pursuant to Bankruptcy Rule 2014(a) and "Guidelines" Section 1.2, a copy of the within Application for approval of employment of professional persons under 11 U.S.C. Section 327 and Bankruptcy Rule 2014 was served on the United States Trustee not less than five (5) calendar days before the within Application was filed with the Bankruptcy Court.

II.

**PROFESSIONAL PERSONS TO BE EMPLOYED -
STATEMENT RE: DISINTERESTED PERSONS**

Applicant wishes to employ COREY B. BECK, ESQ., an attorney admitted to practice in this Court, as counsel for the Debtor-in-Possession to represent or assist the Debtor-in-Possession in carrying out the Debtor-in-Possession's duties under Title 11, United States Code, in the above-captioned bankruptcy proceeding. Bankruptcy Rule 2014(a).

To the best knowledge of Applicant, said professional persons do not hold or represent an interest adverse to the above-captioned bankruptcy estate, and are disinterested persons. 11 U.S.C. Section 327(a).

III.

**STATEMENT OF NECESSITY FOR EMPLOYMENT
OF PROFESSIONAL PERSONS**

It is necessary for employment of the professional persons for whom employment is sought by the within Application inasmuch as the Applicant requires professional assistance in the areas, identified hereinafter, where service is to be rendered in this case. Bankruptcy Rule 2014(a). "Guidelines" Section 2.1.1.

IV.

**STATEMENT OF SCOPE OF PROFESSIONAL
SERVICES TO BE RENDERED**

The scope of services to be rendered by said professional is as follows:

1. To institute, prosecute or defend any lawsuits, adversary proceedings and/or contested

1 matters arising out of this bankruptcy proceeding in which Applicant may be a party;

2 2. To assist in recovery and obtaining necessary Court approval for recovery and liquidation
3 of estate assets, and to assist in protecting and preserving the same where necessary;

4 3. To assist in determining the priorities and status of claims and in filing objections thereto
5 where necessary;

6 4. If applicable, to assist in preparation of a disclosure statement and plan;

7 5. To advise Applicant and perform all other legal services for the Applicants which may be
8 or become necessary in this bankruptcy proceeding.. (Bankruptcy Rule 2014(a). "Guidelines"
9 Section 2.1.1.).

10 **V.**

11 **STATEMENT OF REASONS FOR SELECTION**
12 **OF PROFESSIONALS**

13 Pursuant to Bankruptcy Rule 2014(a), Applicant has selected COREY B. BECK, ESQ. for
14 the reason that said professional person has had considerable experience in matters of this character,
15 and the scope of professional services to be rendered, and for the reason that Applicants believe that
16 COREY B. BECK, ESQ. is well qualified to represent Applicants as counsel in this proceeding, and
17 that the employment of said professional would be in the best interests of the estate.

18 **VI.**

19 **STATEMENT RE: TERMS OF EMPLOYMENT AND**
20 **PROPOSED ARRANGEMENT FOR COMPENSATION**

21 1. Disclosure of Amount and Source of Retainer or Advance Received (11 U.S.C. Section
22 329(a), Bankruptcy Rules 2016(a) and 2016(b), "Guidelines" Section 2.2.2): Client has agreed to
23 pay Attorney a non-refundable retainer of \$20,000.00 for Attorney to represent Client in Chapter 11
24 Bankruptcy. Payment of \$15,000.00 retainer is hereby acknowledged on October 11, 2019.
25 Remaining balance of retainer will be paid on or before December 11, 2019. Third party, Melani
26 Schulte paid retainer fee. Attorney fees will be approved through a fee application.

27 2. Terms and Conditions of Employment Agreement: 11 U.S.C. Section 328(a) authorizes
28 Applicant, with Court approval, to employ said professional person "on any reasonable terms and
conditions of employment, including on a retainer, on an hourly basis, or on a contingent fee basis."

Applicant wishes to retain said professional person under a general retainer, at the hourly rate charged by said professional person, due to the unknown length and extent of services to be performed by said professional person for Applicant. 11 U.S.C. Section 328(a). Bankruptcy Rule 2014(a).

3. Current Hourly Rates Charged by Professionals, and Other Charges ("Guidelines" Section 2.1.2): The current hourly rate charged by the professional person rendering services pursuant to the within Application is as follows:

- a. Not exceeding \$375.00 per hour for attorney;
- b. Not exceeding \$165.00 per hour for paralegal;
- c. Not exceeding \$35.00 per hour for clerical/administrative.

Other charges that may be considered in an application for compensation include, but are not limited to:

- a. Messenger service;
- b. Postage and delivery;
- c. Process service and investigator charges;
- d. Copy charges not to exceed \$0.25 per page;
- e. Computer research and word processing charges;
- f. Telephone and facsimile charges;
- g. Travel expenses;
- h. Scanning charges not to exceed \$0.15 per page;
- i. Miscellaneous expenses necessarily incurred in connection with the scope of services to be performed. "Guidelines" Section 2.1.2.

VII.

STATEMENT RE: PAYMENTS MADE AND SHARING OF COMPENSATION

To the best knowledge of Applicant, no payments have heretofore been made or promised to said professional person for services rendered or to be rendered in any capacity whatsoever in connection with the case, and no agreement or understanding exists between said professional person

1 and any other entity for the sharing of compensation to be received for services rendered in
2 connection with this case. (Bankruptcy Rule 2016(a). "Guidelines" Sections 2.1.2, 2.1.4.)

3 **VIII.**

4 **STATEMENT RE: PRE-PETITION SERVICES**
5 **("GUIDELINES" SECTION 2.1.4)**

6 Said professional person was not retained for pre-petition services other than bankruptcy-
7 related services. "Guidelines" Section 2.1.4.

8 **IX.**

9 **PROFESSIONAL DISCLOSURE**
10 **("GUIDELINES" SECTION 2.1.4)**

11 The within Application is accompanied by a Declaration/Verified Statement showing that the
12 professional person complies with the requirements of 11 U.S.C. Sections 327, 329 or 1103(b) and
13 Bankruptcy Rules 2014, 2016 and 5002, and setting forth the professional person's connections with
14 the Debtor, creditors or any other party in interest, their respective attorneys and accountants. To the
15 best of Applicant's knowledge, said professional person has no connections with the Debtors,
16 creditors or any other party in interest, their respective attorneys and accountants, which connection
17 may constitute a conflict of interest or adverse position with respect to the scope of services to be
18 rendered by said professional person in the above-captioned bankruptcy case. Bankruptcy Rule
19 2014(a). "Guidelines" Section 2.1.4.

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1 WHEREFORE, Applicant respectfully requests that the within Application be granted and
2 approved, and that Applicants be authorized to employ and appoint COREY B. BECK, ESQ. as
3 attorney for Applicant, under a general retainer, in the above-captioned bankruptcy case.

4 DATED the 11th day of December, 2019.

5 /s/ MELANI SCHULTE
6 MELANI SCHULTE,
7 owner of CENSO, LLC.

Submitted by:

8 /s/ COREY B. BECK
9 COREY B. BECK, ESQ.
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